IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8350 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUNVANTBHAI DHARAMSINHBHAI PETHANI - Petitioner(s)
Versus
THE STATE OF GUJARAT THRO' VILASINI RAMCHANDRAN,IAS OR & 1 - Respondent(s)

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Appearance :
MR BM MANGUKIYA for Petitioner(s) : 1,
Mr. AMIT PATEL, ASST.GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/05/2007
ORAL JUDGMENT

Rule. Shri Amit Patel, learned AGP waives service of Rule on behalf of the respondents. With the consent of the learned

advocates appearing for the parties, the matter is taken up for final hearing today.

2. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order or direction directing the respondent No.2 to carry out measurement of land bearing Survey No. 469 and fix the boundary of Survey No. 469/3 as per the revenue record. It is the case on behalf of the petitioner that the petitioner has already paid necessary fees for the purpose of carrying out the measurement however the original challan has been returned by the DILR; the application of the petitioner has not been considered; and the petitioner is directed to produce consent of all the joint coowners.

3. Today, when the matter is called out Shri Patel, learned AGP has submitted that the respondents have no objection with regard to measurement of Survey No. 469/3. Shri Hardik

Patel, learned advocate has submitted that so far as the petitioner is concerned, the petitioner is concerned with measurement of Survey No. 469/3. Shri Patel, AGP has submitted that on production of the original chalan of Rs.6000 necessary measurements will be carried out of Survey No. 469/3 as early as possible. Under the circumstances, on production of original chalan showing payment of fees for measurement the concerned respondents are directed to carry out the measurement of land bearing Survey No. 469/3 as early as possible preferably on or before 15th June 2007. The petitioner to produce the original chalan on or before 15th May 2007. Rule is made absolute with no order as to costs. Direct service is permitted.

[M.R. Shah, J.]

rmr.